

CHAPTER 398

MUNICIPAL COURT BAILIFFS

H. F. 733

AN ACT relating to the salaries of bailiffs in cities of one hundred fifty thousand or more inhabitants.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section six hundred two point forty-nine (602.49),
- 2 Code 1966, is hereby amended by striking from line twenty-one (21)
- 3 the word "eight" and inserting in lieu thereof the word "ten (10)".

Approved June 27, 1967.

CHAPTER 399

JUDICIAL DISTRICTS

S. F. 283

AN ACT to establish the judicial districts for the district courts and to provide for determination of the number of judges in each district.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section six hundred four point eight (604.8), Code
- 2 1966, is hereby repealed and the following enacted in lieu thereof:
- 3 For judicial purposes the state is hereby divided into eighteen (18)
- 4 judicial districts as follows:
- 5 The first district shall consist of the counties of Lee, Henry, Des
- 6 Moines and Louisa.
- 7 The second district shall consist of the counties of Lucas, Monroe,
- 8 Wapello, Jefferson, Davis, Van Buren and Appanoose.
- 9 The third district shall consist of the counties of Wayne, Decatur,
- 10 Clarke, Union, Ringgold, Taylor and Adams.
- 11 The fourth district shall consist of the counties of Woodbury and
- 12 Monona.
- 13 The fifth district shall consist of the counties of Dallas, Guthrie,
- 14 Adair, Madison, Warren and Marion.
- 15 The sixth district shall consist of the counties of Jasper, Poweshiek,
- 16 Mahaska, Keokuk and Washington.
- 17 The seventh district shall consist of the counties of Muscatine, Scott,
- 18 Clinton and Jackson.
- 19 The eighth district shall consist of the counties of Iowa, Johnson,
- 20 Linn, Jones and Cedar.
- 21 The ninth district shall consist of the county of Polk.
- 22 The tenth district shall consist of the counties of Buchanan, Black
- 23 Hawk and Grundy.
- 24 The eleventh district shall consist of the counties of Story, Boone,
- 25 Webster, Hamilton, Hardin, Franklin and Wright.
- 26 The twelfth district shall consist of the counties of Bremer, Butler,
- 27 Floyd, Mitchell, Worth, Cerro Gordo, Hancock and Winnebago.

28 The thirteenth district shall consist of the counties of Clayton, Du-
29 buque, Delaware, Allamakee, Fayette, Winneshiek, Howard and
30 Chickasaw.

31 The fourteenth district shall consist of the counties of Buena Vista,
32 Clay, Palo Alto, Kossuth, Emmet, Dickinson, Humboldt and Poca-
33 hontas.

34 The fifteenth district shall consist of the counties of Pottawattamie,
35 Cass, Shelby, Audubon, Montgomery, Mills, Page, Fremont and Har-
36 rison.

37 The sixteenth district shall consist of the counties of Ida, Sac, Cal-
38 houn, Crawford, Carroll and Greene.

39 The seventeenth district shall consist of the counties of Tama, Ben-
40 ton and Marshall.

41 The eighteenth district shall consist of the counties of Cherokee,
42 O'Brien, Osceola, Lyon, Sioux and Plymouth.

1 SEC. 2.

2 "1. Subject to the provisions for temporary assignment of judges,
3 as set out in subsection nine (9) hereof, each district judge in office on
4 July 1, 1967 shall continue to serve in the district of his domicile so
5 long as he remains a district judge, regardless of the number of judge-
6 ships to which the district is entitled under subsection two (2) hereof.

7 "2. The number of judgeships to which each of the judicial districts
8 shall be entitled shall be determined from time to time according to the
9 following formula, giving equal weight to cases filed and population:
10 In districts containing a city of fifty thousand (50,000) or more popu-
11 lation, there shall be one (1) judgeship per five hundred fifty (550)
12 combined civil and criminal filings and forty thousand (40,000) popu-
13 lation, or major fraction of either; in all other districts there shall be
14 one (1) judgeship per four hundred fifty (450) combined civil and
15 criminal filings and forty thousand (40,000) population, or major
16 fraction of either; provided, the seat of government shall be entitled
17 to one (1) additional judgeship. The figures on filings shall be the
18 average for the latest available previous three-year (3) period and
19 when current census figures on population are not available, figures
20 shall be taken from the state department of health computations.

21 "3. A vacancy, for purposes of this Act, is defined as the death,
22 retirement, removal, or failure of retention in office at the judicial
23 election, of a judge.

24 "4. In those districts having more judges than the number of judge-
25 ships specified by the formula set out in subsection two (2) hereof,
26 vacancies shall not be filled.

27 "5. In those districts having fewer judges or the same number of
28 judges as the number of judgeships specified by the formula set out in
29 subsection two (2) hereof, vacancies in the number of judges shall be
30 filled as they occur.

31 "6. In those districts having fewer judges than the number of judge-
32 ships to which they are entitled under subsection two (2) hereof, the
33 appointment of an additional judge over the number presently existing
34 shall be made only when there is a vacancy in a district having more
35 judges, prior to such vacancy, than the number to which it is entitled
36 under subsection two (2) hereof; and in case there are two or more
37 districts with a deficiency in the number of judges under the number

38 of judgeships to which they are entitled under subsection two (2)
39 hereof, the appointment shall be made in the particular district where
40 the excess in civil and criminal filings and population per resident
41 judge is greatest, giving consideration to filings and population as
42 specified in subsection two (2) hereof.

43 "7. After the number of judges in each district equals the proper
44 number of judgeships, as determined under subsection two (2) here-
45 of, subsection six (6) hereof shall be of no further effect. Thereafter,
46 a new judge shall be appointed in any district which becomes entitled
47 to an additional judgeship, under subsection two (2) hereof; and
48 vacancies shall not be filled in any district which may become entitled
49 to fewer judgeships under said subsection; but no incumbent judge
50 shall ever be removed from office by reason thereof.

51 "8. On January 2 of each year, and at such other times as may be
52 appropriate, the chief justice shall make the determinations required
53 under this Act, and shall notify the nominating commissions involved
54 and the governor of any appointments that may be required as a result
55 thereof.

56 "9. It shall be the duty of the chief justice to assign judges and
57 other court personnel from one judicial district to another, on a con-
58 tinuing basis, if need be, in order to provide a sufficient number of
59 judges to handle the judicial business in all districts promptly and
60 efficiently at all times."

1 SEC. 3. Section forty-six point three (46.3), Code 1966, is hereby
2 repealed* and the following enacted in lieu thereof:

3 "In June, 1967, the governor shall appoint five electors in the first,
4 eighth, tenth and thirteenth judicial districts established by this Act
5 to the district judicial nominating commission for terms commencing
6 July 1, 1967. He shall appoint two such commissioners to serve until
7 June 30, 1969, two to serve until June 30, 1971, and one to serve until
8 June 30, 1973. Upon the expiration of each of those terms and every
9 six years thereafter, the governor shall so appoint district judicial
10 nominating commissioners for six-year terms."

1 SEC. 4. Section forty-six point four (46.4), Code 1966, is hereby
2 repealed* and the following enacted in lieu thereof:

3 "In June, 1967, the resident members of the bar of the first, eighth,
4 tenth and thirteenth judicial districts established by this Act shall
5 elect five electors of the district to the district judicial nominating
6 commission for terms commencing July 1, 1967. One of such commis-
7 sioners shall serve until June 30, 1969, two until June 30, 1971 and
8 two until June 30, 1973, as determined by lot by such commissioners.
9 In January next before expiration of each of those terms and every
10 six years thereafter, such members of the bar of the respective judicial
11 districts shall so elect district judicial nominating commissioners for
12 six-year terms commencing July 1 following."

1 SEC. 5. Except as hereafter provided this Act shall be effective July
2 1, 1967.

1 SEC. 6. The terms of office of district judicial nominating commis-
2 sioners appointed and elected prior to the effective date of this Act

*See Opinion of the Attorney General, August 8, 1967.

3 shall continue until July 1, 1967 at which date said terms shall be
4 deemed abolished.*

Approved July 27, 1967.

This Act was passed by the G. A. before July 1, 1967.

*See Opinion of the Attorney General, August 8, 1967.

CHAPTER 400

ABOLISHING TERMS OF COURT

S. F. 288

AN ACT to abolish terms for holding court in the district courts of the state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section twenty-nine A point forty-six (29A.46),
2 Code 1966, is amended by striking from line eighteen (18) the words
3 "in regular term time".

1 SEC. 2. Section sixty-six point seven (66.7), Code 1966, is amend-
2 ed by striking from line one (1) the words "the filing,"; all of line
3 two (2) and that part of line three (3) preceding the word "presen-
4 tation".

5 Further amend said section by striking from line three (3) the word
6 "same" and inserting in lieu thereof the word "petition".

7 Further amend said section by striking from line four (4) the
8 word "judge" preceding the comma and inserting in lieu thereof the
9 word "court" and by striking from line four (4) the words "or
10 judge" and from line five (5) the word "his" and inserting in lieu of
11 the latter the word "its".

1 SEC. 3. Section sixty-six point nine (66.9), Code 1966, is amend-
2 ed by striking from line two (2) the words "or of a judge thereof".

1 SEC. 4. Section sixty-six point eighteen (66.18), Code 1966, is
2 amended by striking from line two (2) the comma after the word
3 "nature" and inserting in lieu thereof the word "and".

4 Further amend said section by striking all after the word "action"
5 in line three (3).

1 SEC. 5. Section sixty-six point nineteen (66.19), Code 1966, is
2 amended by striking from line six (6) the words "or judge thereof".

1 SEC. 6. Section sixty-six point twenty-two (66.22), Code 1966, is
2 amended by striking from line four (4) thereof the words "or
3 judge".

1 SEC. 7. Section sixty-seven point three (67.3), Code 1966, is
2 amended by striking from line five (5) the words "or judge thereof".

3 Further amend said section by striking from lines six (6) and
4 seven (7) the words "or judge".